

REMARKS

In the outstanding Official Action, the Examiner asserted that the present application contains claims directed to a number of distinct inventions. Accordingly, the Examiner required restriction under 35 U.S.C. § 121. In particular, the Examiner asserted that the distinct inventions are defined by the following Groups:

I. Claims 1-16, which are drawn to an arrangement of transmission and reception of multiple signals through multiple antennas, and which is classified in class 455, subclass 562.1.

II. Claim 17, which is drawn to an assignment of transmission means and frequency channels, and which is classified in class 370, subclass 349.

III. Claim 18, which is drawn to frequency and time assignment, and which is classified in class 370, subclass 330.

The Examiner additionally asserted that inventions defined by Groups I and II as well as the inventions defined by Groups I and III are related as combination and subcombination, and that the inventions defined by Groups II and III are related as subcombinations disclosed as usable together in a single combination. For each of these pairs of inventions, the Examiner set forth a basis for distinctness.

Based on the above, the Examiner required the election of a single Group for examination in the present application.

In response to the outstanding Restriction Requirement, Applicants have elected, with traverse, the invention identified by the Examiner as comprising Group 1, to which claims 1-16 are directed.

As noted above, Applicants respectfully traverse the propriety of the above noted restriction requirement. In particular, and in spite of the Examiner's asserted basis for his conclusion of distinctness, Applicants respectfully submit that at least based upon the commonality of subject matter between claims 1, 17, and 18, restriction is inappropriate. In this regard, Applicants note that each of these independent claims deal with transmitting a bit stream from a first station to a second station by using at least first and second antennas. At least as a result of this commonality of subject matter, it is submitted to be appropriate to examine all of claims 1-18 in the present application, and even more particularly because only two claims would be added if the restriction requirement were not maintained.

Moreover, Applicants respectfully note that the Examiner has not set forth the existence of a serious burden if restriction were not required and that the existence of such a serious burden is a requirement for a proper restriction requirement. Further, Applicants respectfully submit that, in the present application, there is no serious burden on the Examiner. As noted above, by the present restriction requirement, only two claims are being eliminated from consideration. Furthermore, due to the commonality of subject matter, it is respectfully submitted that any complete prior art search for the claims of the elected invention would involve a significant amount of overlap with any complete prior art search for the claims of the nonelected inventions.

Accordingly, for each of the above-noted reasons, Applicants respectfully submit that the restriction requirement in the present application is improper and should be withdrawn. Thus, Applicants respectfully request reconsideration and withdrawal of the outstanding restriction requirement, together with an action on the merits of all of claims 1-18 pending in the present application.

SUMMARY AND CONCLUSION

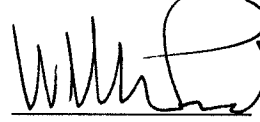
Applicants submit that they have made a sincere effort to fully and adequately respond to the Examiner's restriction requirement and believe that they have now done so. Applicants have elected, with traverse, one of the asserted Groups of inventions for examination on the merits in the event that the Examiner chooses not to reconsider and withdraw the outstanding restriction requirement.

Applicants have additionally traversed the restriction requirement and have set out adequate and sufficient reasons evidencing the improper nature thereof.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding restriction requirement, and request an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is respectfully requested to contact the under signed at the below listed telephone number.

Respectfully Submitted,
Wei Lih LIM et al.


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December 17, 2008
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